

Judge: Timothy W. Dore
Chapter: 13
Hearing Date: April 06, 2016
Hearing Time: 9:30 am
Hearing Location: U.S. Bankruptcy Court
700 Stewart St #8106
Seattle, WA 98101

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF WASHINGTON AT SEATTLE

In Re:

RICHARD ROBERTS,

Debtor.

IN CHAPTER 13 PROCEEDING
NO. 15-16966
TRUSTEE'S OBJECTION TO CONFIRMATION

The Trustee objects to confirmation of the debtor's plan, filed December 20, 2015 (ECF No. 11) as follows:

(1) Section II.B. of the debtor's plan is incomplete, as the debtor does not indicate the plan payment frequency. Based on the debtor's Schedules I and J showing monthly net income of \$4,940.46 and the debtor's plan, the Trustee presumes the debtor intended to propose a monthly plan payment of \$5,072.00 (and, of course, the debtor would need to commit his disposable income to funding the plan). (2)

Based on a monthly plan payment of \$5,072.00, the debtor is currently \$14,441.08 delinquent on plan payments. To date, the Trustee has received only \$5,846.92 from the debtor. (3) The debtor

apparently obtained employment at UPS post-petition. The debtor needs to file amended Schedules I and J to reflect his new employment. (4) The debtor's plan is not feasible for two reasons. First, the debtor

does not have the ability to fund a feasible plan. Based on his UPS paystubs, the debtor's hourly rate is \$29.53. The debtor's base monthly pay is thus \$5,118.53 gross (\$29.53 / hour multiplied by a forty hour work week multiplied by fifty-two weeks and then divided by twelve months). Second, based on the Trustee's calculations, the debtor would need to make a monthly plan payment of \$5,200.00 to complete his plan within sixty months. That amount is an estimate, however, as the mortgage company has not yet filed a proof of claim. (5) The Trustee reserves the right to assert additional bases for this pleading.

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Chapter 13 Bankruptcy Trustee
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THE TRUSTEE REQUESTS:

1 That the Court enter an order denying confirmation of the debtor's plan, and setting deadlines for filing and
2 noting a feasible amended plan.

3 Dated: March 28, 2016

4 /s/ K. Michael Fitzgerald
5 K. Michael Fitzgerald, WSBA #8115
6 Chapter 13 Trustee
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CM161 TRUSTEE'S OBJECTION TO CONFIRMATION - 1
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